

2002 Director's Message



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"The Administrative Office is firmly committed to doing all it can to maintain and improve upon the federal courts' tradition of excellence."

Among the pointed messages of September 11, 2001, is the importance of preparing for the unexpected. In 2002, the Administrative Office put this at the top of our agenda. New funds, people, and processes have been put in place to safeguard courthouses and the people who work in them. We continue to tell Congress that the Third Branch of government occupies a key role in the war against terrorism. The Judiciary pays for court-appointed counsel for indigent defendants. High-profile proceedings are convened in federal courthouses, requiring enhanced security and other special needs. Judges, clerks, probation and pretrial services officers, and other court staff must be housed, protected, and equipped with the necessary resources to do their jobs.

In 2002, Congress responded to our request with nearly \$82 million in supplemental funds to improve security in courthouses, establish a court security inspector position for every court, hire temporary court security officers, purchase new X-ray machines, enhance mail handling facilities, and upgrade court perimeter security. In the coming year we will continue to evaluate and fine-tune court security needs, and we will strive to strengthen the Judiciary's relationship with the U.S. Marshals Service.

The Administrative Office's Judiciary Emergency Preparedness Office met with nearly 2,000 court representatives throughout the year to discuss emergency preparedness and the importance of court continuity of operations plans. An expert contractor has helped courts develop their own plans to ensure essential functions and activities will continue without interruption under any circumstances. I cannot state strongly enough how important these plans are to the viability of the federal Judiciary in the face of a future crisis, whether natural or manmade. The Administrative Office will continue to work closely with courts in this area.

I fully recognize the courts cannot accomplish their work without a sufficient number of judges and staff. On behalf of the Judicial Conference, this year I wrote to congressional leaders urging them to introduce and pass omnibus judgeship legislation for the first time in more than 12 years. Throughout our nation there are appellate and district courts that would be in dire need of relief even if all existing vacancies were filled. I called upon and continue to call upon Congress to provide long-term relief in the form of new judgeships.

Congress' response was to create 15 district court judgeships in the Department of Justice authorization act. While we welcome

these positions, no new court of appeals positions have been created in 12 years and many district courts still need help. Despite the record number of bankruptcy filings, no new bankruptcy judgeships have been created in the last decade.

It is even more troubling that the nation will continue to lose experienced judges because of the erosion of their salaries. This is unacceptable. In 2002, I believe we took a significant step toward a meaningful solution. The National Commission on the Public Service, which convened this year to study the state of the federal government, was successfully urged by Judiciary leaders and the Administrative Office to expand its scope to include the judicial branch. I wrote to the Commission to speak out on the need for salary relief for judges and court employees. The body, better known as the Volcker Commission, invited Chief Justice Rehnquist, Justice Breyer, and Chief Judge Deanell Tacha to testify in public hearings on the inadequacy of judicial pay. The Commission, when it released its final recommendations in January 2003, supported real pay increases for federal judges and Congress, as well as a long-term solution so that we are not faced with the same inequities a few years later. The Administrative Office will be actively involved in working for implementation of these recommendations, as well as securing annual cost-of-living adjustments for judges.

We also will seek to expand the Judiciary's already-popular flexible benefits program, which the Administrative Office initiated three years ago. In 2002, we expanded the long-term care program to include additional options for judges and employees. We also doubled the amount that can be set aside in the health care reimbursement account to \$10,000, and established a web site that allows participants to access their accounts

at any time. Despite the efforts of many, the Senate did not pass legislation the House had approved that would give the Administrative Office Director authority to use appropriated funds to pay for all or part of these new benefits. We will ask the 108th Congress to pass legislation to allow for a "cafeteria-style" plan that will permit judges and court employees to custom build their benefits packages.

While pay and benefits contribute significantly to morale, so does work environment. More than \$5 billion has been appropriated by Congress for courthouse construction since I was appointed Director in 1985. This means that judges and thousands of court employees throughout the country no longer have to work in old, crowded, obsolete, and unsafe facilities. In fiscal year 2002, the Judiciary took occupancy of eight major projects. But, as budgets get tighter, we must redouble our efforts to educate Congress, the Office of Management and Budget, and the General Services so that the projects in the Five-Year Courthouse Project Plan become reality.

Administrative Office staff have developed plans so that inside each federal courthouse, judges, court staff, and court users will benefit from the latest technology. By September 2002, 102 courts had begun implementing the Case Management/Electronic Case Files system. More than 20,000 attorneys have filed documents electronically and more than three million cases involving more than 15 million documents are in the electronic files system. Several of this year's megabankruptcies were filed electronically, enhancing both public access and case management. In 2002, the total number of Public Access to Court Electronic Records (PACER) accounts topped 200,000.

Many systems have been improved through the creativity and

energy of Administrative Office-court partnerships. Busy probation and pretrial services officers, who today supervise well over 100,000 persons, have started using the case tracking and case management system, which this year went live in 17 districts. The new electronic Jury Management System will streamline pool and panel creation, as well as juror selection and payment.

A decade ago I began the process of decentralizing major management and budget functions from the Administrative Office to the courts. Working closely with several Judicial Conference committees, the Administrative Office is helping court executives better understand and manage their wide-ranging and frequently changing responsibilities. Workshops are being held to discuss management and stewardship responsibilities in some of the courts' most important functional areas—budget, accounting, travel management, procurement, and contracting. The courts' administrative excellence is due, in large part, to these executives, and we will continue to support them with the tools to solve problems.

It is the judges and staff who work in the courts who have helped make the federal court system a model for other courts around the world. We are proud of the role the Administrative Office plays in assisting the courts in their mission. I believe that today there is an experienced and knowledgeable Administrative Office contact to discuss and trouble-shoot virtually every court program and need. I fully recognize that the coming year may yet again bring unexpected challenges for the courts. Building on the experiences and successes of 2002, the Administrative Office is firmly committed to doing all it can to maintain and improve upon the federal courts' tradition of excellence.